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15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT  
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,  
19 Plaintiff,  
20 v.  
21 ALEXANDER SMIRNOV,  
22 Defendant.

No. CR 24-91-ODW

GOVERNMENT'S MOTION FOR A  
PROTECTIVE ORDER PURSUANT TO  
SECTION 3 OF THE CLASSIFIED  
INFORMATION PROCEDURES ACT

Hearing Date: SEPTEMBER 9, 2024  
Hearing Time: 1:30 p.m.  
Location: Courtroom of the Hon.  
Otis D. Wright II

23 Plaintiff, United States of America, by and through its counsel of record, moves  
24 this Honorable Court pursuant to Section 3 of the Classified Information Procedures Act  
25 ("CIPA"), 18 U.S.C. App. III, § 3, the "Revised Security Procedures Established Pursuant  
26 to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the  
27 Protection of Classified Information" (reprinted after CIPA Section 9), Rules 16 and 57  
28 of the Federal Rules of Criminal Procedure, and the general supervisory powers of the

1 Court, and to protect the national security, for a protective order governing the disclosure,  
2 handling, and dissemination of classified national security information. The proposed  
3 protective order is attached to this motion as an exhibit.

4 The Government and defense counsel conferred on more than one occasion about  
5 the proposed protective order but ultimately were not able to agree on its specific terms.  
6 Should the Defendant file a written opposition to this motion noting specific objections  
7 to the proposed protective order, the Government requests the opportunity to respond.

8 This motion is based upon the attached memorandum of points and authorities, the  
9 indictment in this case, and any further evidence and argument as the Court may deem  
10 necessary.

11 Dated: August 2, 2024

Respectfully submitted,

12  
13 DAVID C. WEISS  
SPECIAL COUNSEL

14  
15 /s/ Christopher M. Rigali  
16 LEO J. WISE  
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UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

On March 1, 2024, the Government filed a notice apprising the Court that it may need to bring to the Court’s attention certain matters involving classified information. ECF No. 48. As such, the Government noticed the Court and the defense that it was invoking CIPA and requested that the Court appoint a Classified Information Security Officer (“CISO”) to assist the Court and the parties with the handling of matters pertaining to classified information. *Id.* The Court thereafter appointed W. Scooter Slade as the CISO in this matter. ECF No. 49.

In the March 1, 2024 notice, the Government explained that Section 3 of CIPA provides for the issuance of a protective order “to protect against the disclosure of any classified information disclosed by the United States to any defendant in any criminal case.” 18 U.S.C. App. III, § 3 (providing that district courts, upon motion of the United States, “shall issue an order to protect against the disclosure of any classified information”). As the Government explained, CIPA Section 3 protective orders typically set forth rules for all parties governing the use and storage of classified information. *See, e.g., United States v. Broumand*, No. CR 20-224(A)-RGK, ECF No. 79 (C.D. Cal.).

On July 17, 2024, this Court entered an order granting the Government’s classified, *ex parte* CIPA Section 4 motion. ECF No. 94. In that order, the Court permitted the Government to “[p]rovide substitutions or summaries for certain, identified classified information,” *id.*, and some of those substitutions will be classified. At this time, the Government would like to produce the classified discovery to cleared defense counsel, but a protective order pursuant to CIPA Section 3 is a prerequisite to the Government providing such discovery. As such, the Government moves for the entry of the attached protective order.

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Respectfully submitted,

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